

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

United States of America,

v.

Dylann Storm Roof.

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Criminal No. 2:15-472-RMG

ORDER

On January 18, 2017, the Court ordered Defendant to propose redactions to certain legal briefs and court orders documents relating to Defendant's motion in limine. (Dkt. No. 883 ¶ 3.) The purpose of redactions is to prevent disclosure of information the Court ruled to be privileged from production. (*See* Dkt. No. 698). On February 21, 2017, Defendant proposed redactions that redact that privileged information as well as other information that relates to material the Government ultimately did not offer at trial after Defendant objected. (Dkt. No. 927.) Court orders and briefing seeking or opposing court orders are judicial records subject to a common law and, in some circumstances, a First Amendment right of public access. *In re U.S. for an Order Pursuant to 18 U.S.C. Section 2703(D)*, 707 F.3d 283, 290–91 (4th Cir. 2013). The Court therefore declines Defendant's request to redact non-privileged material from the Court's orders or the parties' legal briefs. The redactions ordered in this Order relate only to material the Court determined to be privileged in its order of November 30, 2016 (Dkt. No. 698).

The Court **ORDERS** as follows:

1. Defendant's motion in limine (Dkt. No. 358) will be redacted to remove references to privileged material, and the Clerk is directed to file the redacted document as an attachment to the motion in limine, which remains under seal. Exhibits 1, 2, 3, and 4 to the motion in limine (Dkt. Nos. 358-1, 359-2, 358-3, 358-4, 358-6) are unsealed. Exhibits 5 and 6 to the motion in limine (Dkt. Nos. 358-5, 385-6) remain sealed.

2. The Government's response to the Defendant's motion in limine (Dkt. No. 425) will be redacted to remove references to privileged material, and the Clerk is directed to file the redacted document as an attachment to the response, which remains under seal. Exhibits 1, 2, 3, 4, 5, 6, and 8 to the Government's response (Dkt. Nos. 425-1, 425-2, 425-3, 425-4, 425-5, 425-6, 425-8) are unsealed. Exhibit 7 (Dkt. No. 425-7) remains sealed.

3. Defendant's reply in support of his motion in limine (Dkt. No. 467) will be redacted to remove references to privileged material, and the Clerk is directed to file the redacted document as an attachment to the reply, which remains under seal. Exhibit 1 to the reply (Dkt. No. 467-1) is unsealed.

4. The Court unseals its order of October 14, 2016 (Dkt. No. 475).

5. The Court's order of October 19, 2016 (Dkt. No. 483) will be redacted to remove references to privileged material, and the Clerk is directed to file the redacted document as an attachment to the order, which remains under seal.

6. The Government's supplemental brief of October 28, 2016 (Dkt. No. 511) will be redacted to remove references to privileged material, and the Clerk is directed to file the redacted document as an attachment to the supplemental brief, which remains under seal. Exhibits 1, 2, and 3 to the Government's supplemental brief (Dkt. Nos. 511-1, 511-2, 511-3) remain sealed.

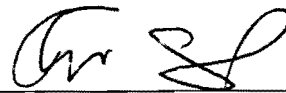
7. Defendant's supplemental brief of October 28, 2106 (Dkt. No. 512) will be redacted to remove references to privileged material and the Clerk is directed to file the redacted document as an attachment to the supplemental brief, which remains under seal. Exhibit 1 to Defendant's supplemental brief (Dkt. No. 512-1) remains sealed.

8. Defendant's reply to the Government's supplemental brief of October 28, 2016 (Dkt No. 521) will be redacted to remove references to privileged material, and the Clerk is directed to file the redacted document as an attachment to the reply, which remains under seal

9. The Government's reply to Defendant's supplemental brief of October 28, 2016 (Dkt. No. 522) will be redacted to remove references to privileged material, and the Clerk is directed to file the redacted document as an attachment to the reply, which remains under seal

10. The Court's order of November 30, 2016 (Dkt. No. 698) will be redacted to remove references to privileged material, and the Clerk is directed to file the redacted document as an attachment to the order, which remains under seal

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

February 21, 2017
Charleston, South Carolina